



**UNITED STATES MARINE CORPS**  
**MARINE CORPS RECRUIT DEPOT/WESTERN RECRUITING REGION**  
**1600 HENDERSON AVENUE SUITE 238**  
**SAN DIEGO, CALIFORNIA 92140-5001**

DepO 5720.3D  
1A

**19 JAN 1998**

DEPOT ORDER 5720.3D

From: Commanding General  
To: Distribution List

Subj: ADMINISTRATIVE HANDLING OF FREEDOM OF INFORMATION ACT  
REQUESTS (FOIA)

Ref: (a) SECNAVINST 5720.42E (NOTAL)  
(b) MCO P5720.56A (NOTAL)  
(c) NAVCOMPTMAN Vol. 4 (NOTAL)  
(d) DOD 5400.7-R, FOIA Program, Sep 98

Report Required: Annual Freedom of Information Report

1. Purpose. To establish procedures for receiving, recording and accounting for Freedom of Information Act (FOIA) requests.

2. Cancellation. Depot Order 5720.3C

3. Summary of Revision. The minor modifications to this Order are as follows:

a. The subject is changed to accurately reflect the Order's content.

b. References in the Order to the Administrative Law Officer (ALO) are changed to the Assistant Chief of Staff, Staff Judge Advocate (SJA).

c. The due date for the FOIA annual report is changed to 15 October.

4. Information

a. References (a) and (b) designate the Commanding General Marine Corps Recruit Depot (MCRD) as the initial denial authority for all requests for information tendered to MCRD pursuant to FOIA (5 USC 552). These references also govern the granting or denial of all requests for information received by all activities aboard MCRD. All written requests for information or permission to examine and copy records will be initially handled as if made pursuant to the Act whether or not it is specifically stated therein. If ultimately determined by the Assistant Chief of Staff, Staff Judge Advocate (SJA) that a particular request is made pursuant to the Act, a reply to the request must be forwarded within 20 working days of the date of receipt. If it appears that it will not be possible to provide the information requested within that period, the requirements for obtaining formal and informal extensions are contained in the references.

b. Certain information contained within governmental records is exempt from disclosure. These areas are detailed in references (a), (b), and (d).

c. Charges for request may be waived or reduced if disclosure of the information is in the public interest. Disclosure is in the public interest if it is likely to significantly contributed to public understanding of the operations or activities of the government. The advice of the SJA should be obtained in case of any uncertainty. In any case where costs of releasing information are \$15.00 or less, such costs are automatically waived regardless of category. Reference (a) provides guidance in assessing fees for FOIA requests and should be consulted. Discretionary waivers or reductions of FOIA fees shall be approved by the SJA. A denial of a request to waive or reduce fees must be made by the Commanding General.

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5. Action

a. All written requests for information received by this Command will be controlled by the Depot Adjutant and acted upon immediately on receipt.

b. Official correspondence addressed to the Command will normally be opened in the Depot Adjutant's office. Upon receipt of all correspondence containing requests for information, MCRD DepO 5720.3D 5216/6, Controlled Correspondence Routing Sheet (CCRS) shall be completed and attached to the correspondence. All such correspondence must be date stamped upon receipt. The CCRS and the correspondence shall be conspicuously stamped "FOIA". The routing sheet and correspondence will be delivered by the most expeditious means available to the SJA.

c. All organizations and activities within this Command receiving any correspondence which appears to be a request for information pursuant to the FOIA shall mark the date and method of delivery (i.e. registered mail special delivery, ect.) on the correspondence, and immediately deliver it to the Depot Adjutant for processing in accordance with paragraph 5b herein.

d. Upon receipt of the correspondence, the Depot Adjutant shall determine if the request complies with the minimum requirements of a proper FOIA request. If the request meets the minimum requirements, the Depot Adjutant shall obtain the request record from the command activity maintaining it, and forward the FOIA request and the record to the SJA who will prepare a formal written response. However, if the FOIA request does not meet the minimum requirements, the Depot Adjutant shall respond to the inquiry within 10 working days to inform the requester of the contents of a proper request.

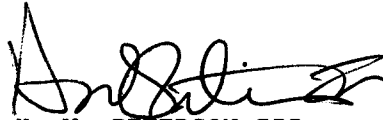
e. The SJA shall review the request and record, and render an initial determination to release or deny the information. The SJA shall prepare the appropriate written response within 20 working days. Decisions to release the information shall be approved by the signature of the SJA. Replies to request which must be denied, in whole or in part, shall be prepared by the SJA for signature of the Chief of Staff.

f. Activities assisting in providing information for responses to FOIA correspondence shall keep a record of all costs incurred in providing such information. The Depot Adjutant will provide these activities with DD Form 2086 (Record of Freedom of Information Processing Cost) to facilitate this accounting. The form will be returned to the Depot Adjutant in order that the proper fee may be charged to the requester, and all cost related fees are tracked quickly and accurately as the requests are processed.

g. In accordance with reference (c) and (d), the Depot Adjutant shall advise a requester who is assessed fees, to make their check/money order payable to the Treasury of the United State. Upon receipt of the requested fees, the Depot Adjutant shall submit a NAVCOMPT Form 2277, Voucher for Disbursement and/or Collection and the check/money order to the Disbursing Office for processing. The voucher shall include the Operations and Maintenance, Marine Corps (O&M, MC) appropriation data of MCRD's operating budget for appropriate credit. "FOIA Receipt Account number 3210" shall be annotated on the NAVCOMPT Form 2277 when processing all FOIA fees, except those received by nonappropriated fund (NAF) activities. Remittance received by NAF activities shall be made payable to the activity and the requester should indicate on the check "FOIA Remittance." The remittance shall be deposited in the NAF activity account.

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e. In accordance with the reference (d), a FOIA report will be prepared by the Depot Adjutant who will then forward the report to the Commandant of the Marine Corps (ARAD). The annual report shall be forwarded by 15 October or otherwise directed by ARAD.



H. W. PETERSON III  
Chief of Staff

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